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10/757,225

01/14/2004

Michael B. Jones

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FAEGRE & BENSON LLP
PATENT DOCKETING
2200 WELLS FARGO CENTER
MINNEAPOLIS, MN 55402

EXAMINER

BOECKMANN, JASON J

ART UNIT

PAPER NUMBER

3752

DATE MAILED: 06/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|---------------------------------------|-------------------------------------|--|
| Office Action Summary | Application No. 10/757,225 | Applicant(s) JONES ET AL. | |
| | Examiner Jason J. Boeckmann | Art Unit 3752 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) 24 and 25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 13-23 and 26 is/are rejected.
- 7) ☒ Claim(s) 11 and 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restriction

Restriction to one of the following inventions is required under 35 U.S.C. 121:

Group I: Claims 1-23 and 26, drawn to an apparatus for cleaning parts, classified in Class 239, subclass 106.

Group II: Claims 24-25, drawn to a method for cleaning parts, classified in Class 134, subclass 22.1.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (M.P.E.P. § 806.05(e)). In this case the apparatus as claimed can be used to practice another and materially different process such as draining liquid from a container or mixing liquid and solid in a container.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, have acquired a separate status in the art because of their recognized divergent subject matter, the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

During a telephone conversation with Mr. John M. Haurykiewicz on March 8, 2006, 2004 a provisional election was made without traverse to prosecute the invention of Group I, claims 1-23 and 26. Affirmation of this election must be made by applicant in responding to this Office action. Claims 24-25 are withdrawn from further

consideration by the Examiner, 37 C.F.R. § 1.142(b), as being drawn to a non-elected invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 C.F.R. § 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a diligently-filed petition under 37 C.F.R. § 1.48(b) and by the fee required under 37 C.F.R. § 1.17(h).

Drawings

Figures 1-6, 17 and 18 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Claim 11 is objected to because of the following informalities: Examiner believes that the phrase "at least one sleeve" should be changed to "at least one of the said pair of sleeves," in order to further clarify the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase "NH American Standard Hose Coupling" refers to a set of standards that are subject to change. Examiner assumes that the phrase refers to a copyrighted title and therefore should be treated as such.

Claims 20-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In lines 4 and 5 of claim 20, line 2 of claim 22 and line 2 of claim 23, the examiner is unsure of which set of parts are being cleaned.

Claim 8 recites the limitation "at least on of the pair of apertures" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 9 recites the limitation "each of the pair of apertures" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 10 recites the limitation "one of the pair of apertures" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7, 9, 10, 13-20 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Hubert (3,194,444).

Hubert shows an apparatus comprising a cleaning cap (10) having: a first fitting (12) for receiving a paint cup (14), a second fitting (18) for receiving a garden hose, and an outlet passage (20) providing an outlet fluid communication path from an interior of the cap to an exterior of the cap. The first fitting has a first set of threads (figure 2) and the second fitting has a second set of threads that are female hose fitting threads (figure 2).

Regarding claims 6 and 7, the cleaning cap (10) has an inlet (figure 2) fluid communication path from the second fitting to the interior of the cap and includes a pair of apertures (24, 34).

Regarding claims 9 and 10, each of the pair of apertures has a partial obstruction (26, 36) of sufficient size to prevent parts being cleaned from passing through the aperture and the fluid communication path includes a pair of sleeves (22, 32) extending from and in fluid communication with a respective one of the pair of apertures.

Regarding claims 13-18, the outlet fluid communication path includes a trough (see figure 2) extending from the interior of the cap to the exterior of the cap. The trough surrounds at least a portion of the sleeves and has a first portion oriented in a generally radial direction and a second portion oriented in a generally axial direction.

Regarding claim 20, the apparatus includes a fluid permeable barrier (26, 36) in the outlet fluid communication path.

Regarding claim 26, Hubert shows an apparatus capable for attachment to an extended suction set of the type having a double lumen hose, comprising: a double lumen fitting (22, 32) for receiving a dual hose fitting, an integral female hose coupling (18) for receiving a male garden hose, and a fluid passageway providing a fluid communication path from the female hose coupling to the double lumen fitting such that when the garden hose is attached to the female hose coupling (18), water flowing through the garden hose will be directed through the cleaning cap and the extended suction set.

Allowable Subject Matter

Claim 12 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

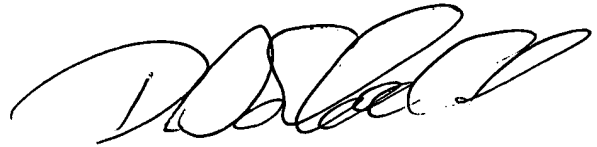
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Gunlock (4,809,913) shows an apparatus comprising a cap, an inlet connected to a garden hose, a fitting for receiving a cup and an outlet.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason J. Boeckmann whose telephone number is (571) 272-2708. The examiner can normally be reached on 7:30 - 5:00 m-f, first Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Scherbel can be reached on (571) 272-4919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JJB JJB 6/6/06



David A. Scherbel
Supervisory Patent Examiner
Group 3700